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UNIT

Regional Director, Region 3
U.S. Fish and Wildlife Service
Federal Building, Fort Snelling
Twin Cities, Minnesota 55111

Dear Sir:

Kerr-McGee Chemical Corporation (the applicant) is currently seeking an acceptable plan for decommissioning its Rare Earths Facility located in West Chicago, Illinois. The applicant proposes to dismantle the Factory, stabilize the disposal site, and restore the property for beneficial use. An alternative to the plan proposed above is to move the ore residue and radioactive wastes for offsite disposal. Kerr-McGee has cited six clay/shale quarries, located in Illinois, as potential locations for low-permeability conditions.

The Kerr-McGee West Chicago Facility is located in DuPage County, about 50 km west of downtown Chicago. The clay/shale quarries considered as alternate disposal sites are located in Bond, Scott, McDonough, LaSalle and Grundy counties. A map of the general locations is enclosed.

This letter constitutes a formal request for consultation with, and the assistance of the Department of the Interior in furtherance of the purposes of the 1978 amendments to the Endangered Species Act. Pursuant to Section 7(c) of the Act, please forward information as to whether any plants and animals that are listed or proposed to be listed as endangered or threatened species may be present in the vicinity of the sites discussed above. In the event that listed and/or candidate species are involved, please advise of any suggestions or recommendations that would facilitate further interagency cooperation as required in the Act.

If you have any further questions regarding this request you may contact me at 301/427-4510.

Sincerely yours,

Original Signed by:

W. A. Nixon, Project Manager
Uranium Process Licensing Section
Uranium Fuel Licensing Branch
Division of Fuel Cycle and
Material Safety

Enclosure: Location Map

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THIS DOCUMENT CONTAINS
POOR QUALITY PAGES



- Kerr McGee Facility
- ✚ Potential disposal sites in Bond, Scott, McDonough, LaSalle and Grundy Counties

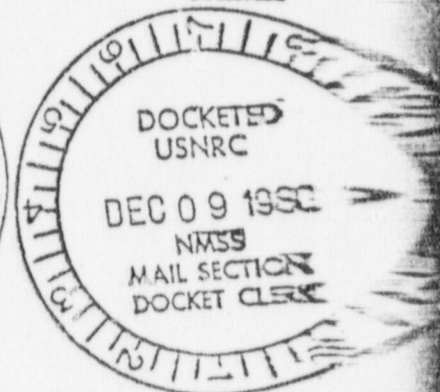
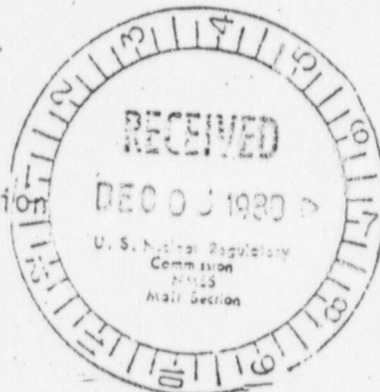


UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION V
230 SOUTH DEARBORN ST
CHICAGO, ILLINOIS 60604

REPLY TO
5AHRM

NOV 13 1980

Mr. W.A. Nixon
Nuclear Regulatory Commission
Uranium Process Licensing Section
Uranium Fuel Licensing Branch
Division of fuel Cycle &
Material Safety
Washington, D.C. 20555

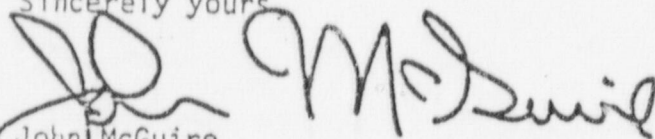


Dear Mr. Nixon:

On August 11, 1980, this office sent you comments on revisions to the Decommissioning and Stabilization Plan for Kerr-McGee Chemical Corporation West Chicago Facility. On the basis of information furnished on October 1980, to Mr. Larry Jensen, a member of Region V Radiation Program, during a routine telephone followup, it is my understanding that our comments have been received and reviewed by your staff but that no acknowledgement nor action would be forthcoming. The Nuclear Regulatory Commission (NRC) has resolved to move rapidly to deal with the problem and, to this end, has scheduled release of a draft Environmental Impact Statement (DEIS) for this year. Region V's comments will be taken under advisement. The Region, of course, can respond to the DEIS.

Region V understands the NRC's desire to move on the problems in West Chicago as rapidly as possible. Our concern is that there be long-term solutions to the many site-related problems associated with the West Chicago Facility so that the health of the citizens of West Chicago is protected and any further environmental degradation is foreclosed. Consequently, we await release of the DEIS and anticipate responding accordingly.

Sincerely yours


John McGuire
Regional Administrator

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United States Department of the Interior

FISH AND WILDLIFE SERVICE

Federal Building, Fort Snelling

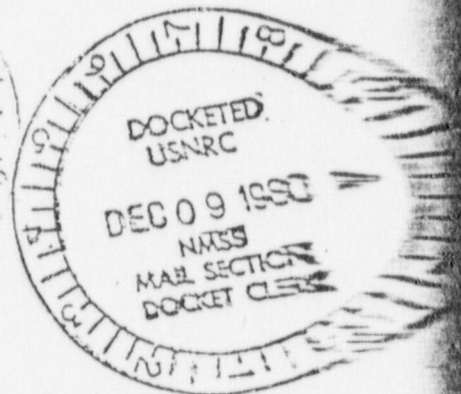
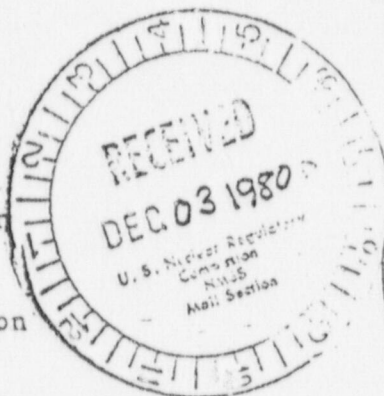
Twin Cities, Minnesota 55111

IN REPLY TO

ATTN: _____

NOV 26 1980

Mr. W. A. Nixon, Project Manager
Uranium Process Licensing Section
Division of Fuel Cycle and
Material Safety
U.S. Nuclear Regulatory Commission
Washington, D. C. 20555



Dear Mr. Nixon:

This letter responds to your November 13, 1980 request for endangered species comments relative to the proposed application by Kerr-McGee Chemical Corporation to decommission its Rare Earth Facility in DuPage County, Illinois. The applicant proposes to dismantle the factory, stabilize the disposal site and restore the property for beneficial use. The alternative to this proposal is to transport the ore residue and radioactive waste to other disposal sites. Kerr-McGee has identified six clay shale quarries located in Bond, Scott, McDonough, LaSalle and Grundy counties, Illinois as potential locations for offsite disposal.

To facilitate compliance with Section 7 (c) of the Endangered Species Act of 1973, as amended, Federal agencies are required to obtain from the Fish and Wildlife Service information concerning any species, listed or proposed to be listed which may be present in the area of a proposed action. Therefore, we are furnishing you the following list of species, on a county by county basis, which may be present in the concerned area:

DuPage County	- Indiana bat (<u>Myotis sodalis</u>)
Bond County	- Indiana bat
	Gray bat (<u>Myotis grisescens</u>)
Scott County	- Indiana bat
	Gray bat
	Bald eagle (<u>Haliaeetus leucocephalus</u>)
McDonough County	- Indiana bat
LaSalle County	- Indiana bat
	Bald eagle
Grundy County	- Indiana bat
	Bald eagle

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FREE EXCHANGE

Indiana bats breed throughout Illinois frequenting floodplain and riparian habitats. Nursery roosts are generally located under the shagging bark of dead or dying riparian trees. Beginning in early fall, this species migrates to traditional wintering caves, some of which are located in Illinois. One particular cave, Blackball Mine, LaSalle County, has been listed as a critical habitat for the species.

Gray bats, in comparison, are more restricted in their distribution and exclusively utilize caves as nursery and wintering habitats.

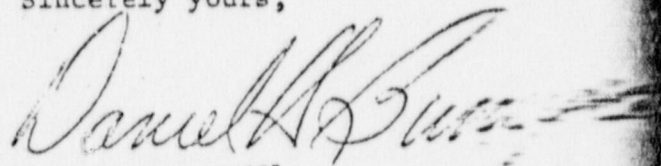
Our concern for Bald eagles, with respect to this project, deals primarily with wintering birds. Wintering eagles are commonly encountered along river systems, lakes and reservoirs where open water exists year around. These open water areas provide the food source for wintering eagles with fish and crippled waterfowl constituting the bulk of their diet.

Enclosed you will find a supplementary list describing major responsibilities required of Federal agencies under the Endangered Species Act of 1973, as amended. Please refer to this list whenever applicable.

This letter provides comment only on the endangered species aspect of the project. Comments on other aspects of the project under the authorizing Act and in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et. seq.) may be sent on a separate cover.

If there are any questions, or if we can be of further assistance, please contact our Region 3 Endangered Species Office at (612) 725-3596.

Sincerely yours,


Daniel H. Bumgarner
Assistant Regional Director

Enclosure

FEDERAL AGENCIES
MAJOR RESPONSIBILITIES UNDER
THE ENDANGERED SPECIES ACT OF 1973, AS AMENDED

1. All Federal agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered and threatened species.
2. In accordance with Section 7(c) of the Endangered Species Act of 1973, as amended, the Federal agency responsible for actions authorized, funded, or carried out in furtherance of a construction project that significantly affects the quality of the human environment, is required to conduct a biological assessment. The purpose of the assessment is to identify listed or suspected species likely to be adversely affected by their action and to assist the Federal agency in making a decision as to whether they should initiate action.
3. The biological assessment is to be completed within 180 days of initiation and before contracts are entered into or construction begun.
4. When conducting a biological assessment, the following steps should be taken:
 - a. Conduct an on-site inspection of the area affected by the activity or program, which may include a detailed survey of the area to determine if species are present and whether suitable habitat exists for either expanding the existing population or potential reintroduction of populations.
 - b. Interview recognized experts on the species at issue, including those within the Fish and Wildlife Service, State conservation departments, universities and others who may have data not yet published in scientific literature.
 - c. Review literature and other scientific data to determine species' distribution, habitat needs and other biological requirements.
 - d. Review and analyze the effects of the proposal on the species in terms of individuals and populations, including consideration of the cumulative effects of the proposal on the species and its habitat.
 - e. Analyze alternative actions that may provide conservation benefits.

Sections 7(a) and (b) require agencies to consult with the Fish and Wildlife Service when the Federal agency determines their action "may affect" listed species or Critical Habitat. Formal consultation may be initiated by submitting a written request to the Regional Director, Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. At that time the agency should provide a copy of the biological assessment and other relevant information that assisted them in reaching their "may affect" determination.

6. Section 7(d) of the 1978 Amendment to the Endangered Species Act ~~under~~ the requirement that the Federal agency and the permit or license ~~applicant~~ shall not make any irreversible or irretrievable commitment of resources during the consultation period which in effect would deny the ~~formal~~ implementation of reasonable alternatives regarding their actions ~~on any~~ Endangered or Threatened species.
7. Definitions
 - a. Technical Assistance - information provided to State or private ~~groups~~ groups concerning Federally listed threatened or endangered species.
 - b. Informal Consultation - information provided to Federal agencies ~~concerning~~ ing Federally listed species that may occur in a project area.
 - c. Formal Consultation - A request by the Federal agency whose ~~proposed~~ project has been identified in the Biological Assessment, to ~~impact~~ listed species. The formal consultation process will ultimately ~~result~~ in the issuance of a Biological Opinion by the FWS to the Federal ~~agency~~.
 - d. Conservation - bringing a listed species to the point at which ~~it is~~ removed from the List of Endangered or Threatened Wildlife and ~~Plants~~.
 - e. Reasonable Alternatives - courses of action open to the Federal ~~agency~~ are technically capable of being implemented and consistent with ~~the~~ intended primary purpose of the activity, which would avoid ~~jeopardy~~ the continued existence of listed species or destruction or ~~adverse~~ ~~modification~~ cation of Critical Habitat.
8. Federal agencies are advised to determine if State listed endangered ~~or~~ species reside in the project area that may be adversely affected by ~~the~~ Action. The State Department of Conservation should be contacted to ~~make~~ determination.